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October 15, 2020

Sharon M. Hayes, Chief
Toxics, Pesticides and Drinking Water Compliance Section
US EPA Region 1 – New England
5 Post Office Square, Suite 100 (Mail Code 05-4)
Boston, MA 02109-3912

RE: Information Request Letter Regarding Compliance with FIFRA, 7 U.S.C. §§ 136 *et seq.*

The information provided herein and enclosed is responsive to the Information Request Letter received via email on October 5, 2020. Via telephone communication with Mr. Tham of your office on Friday, October 9, I personally committed Clarke's intention to respond in full, including an assertion of business confidentiality for some of the requested information, and requested an extension of one work week to prepare the record for courier delivery to your office. Mr. Tham confirmed in that call an extension of the deadline to comply with the request to close of business on Friday, October 16, 2020.

Assertion of business confidentiality and request for confidentiality protection

Clarke hereby asserts a business confidentiality claim and requests confidentiality protection for the information produced to the US EPA in response to Requests 3 and 5, in their entirety, and Request 4, in part, submitted via email by the US EPA on October 5, 2020. The Information Request Letter delivered to Clarke was based on information related the alleged detection of per- and/or polyfluoroalkyl substances ("PFAS") in samples collected by the Commonwealth of Massachusetts (Massachusetts) of ANVIL 10+10 ULV ("Product"). Massachusetts has not provided Clarke with important information related these alleged positive tests. Accordingly, the production of information by Clarke in connection with the potential detection of PFAS demonstrates that the disclosure "of the information is likely to cause substantial harm to the business's competitive position." 40 CFR §2.208(e)(1). On information and belief, the recent testing cited by the US EPA has been conducted to detect PFAS at levels of parts per trillion, and the testing was in part conducted with samples taken from open containers of ANVIL 10+10 after delivery to Massachusetts. Given the prevalence of PFAS in the environment, the possibility that the detected PFAS did not come from the Clarke production process is high. A competitor of Clarke could unfairly exploit information produced to damage Clarke's reputation in the marketplace.

Clarke takes all reasonable measures to protect the confidentiality of the business and production information called for by Requests 3 and 5, in their entirety, and Request 4, in part. For example, all Clarke employees are required to sign confidentiality and nondisclosure agreements, Clarke facilities are secured facilities and only authorized individuals are allowed to enter those facilities, and Clarke maintains a security system to protect the security and confidentiality of all electronic and hard copy data associated with Clarke products. The information provided in response to Requests 3 and 5, and

Request 4, in part, has not been disclosed publicly, and Clarke expects that the security measures described above will continue to be effective.

Information and data related to Clarke's suppliers, sources for raw ingredients, production, sales and distribution information are also proprietary to Clarke. Competitors of Clarke could utilize this information to engage in unfair competition. In addition, the Registrant of ANVIL 10+10 (MGK) produced information pursuant to a claim of confidentiality.

The disclosure of the information produced in response to Requests 3 and 5 and Request 4, in part, will cause immediate substantial harm to Clarke's competitive business position. Specifically, the utilization of this information, in concert with allegations that ANVIL 10+10 was contaminated with PFAS, will clearly damage Clarke's reputation in the marketplace. In addition, the proprietary information produced by Clarke regarding facilities, suppliers, sales, raw materials, and other information will also be used to conduct unfair competition against Clarke. Clarke's good faith cooperation with the US EPA investigation should not result in a serious competitive disadvantage to the company.

Accompanying our response herein is a separately provided Confidential Appendix which is responsive to Requests 3 and 5 in their entirety and Request 4, in part.

No claim of confidentiality is maintained for the information presented below. All confidential information has been removed to the Confidential Appendix which is delivered in a separately marked and sealed envelope accompanying this letter.

Response to Requests for Information 1, 2, and 4 (in part)

Request 1. Identify all production locations of ANVIL 10+10 ULV (EPA Reg. No. 1021-1688-8329)

Clarke Mosquito Control Products, Inc.
159 North Garden Avenue
Roselle, Illinois 60172
U.S.A.
US EPA Establishment No. 8329-IL-001

Request 2. Provide Product batch and/or lot number(s) associated with the two Commonwealth of Massachusetts invoices attached.

Order/Invoice	Item	Lot	No.
143123/5092463	11605A Anvil 10+10 ULV 55 gallon drum	2006120002	2
	11605A Anvil 10+10 ULV 55 gallon drum	2008060002	16
143126/5092464	11604 Anvil 10+10 2x2.5 gallon case	2004030002	6

Request 4. For each batch and/or lot number(s) associated with question #2, provide a list, including sizes and quantities, of all finished Products (packaged, labeled, and released for shipment) and any remaining raw ingredients wherever located, within the ownership, control, or custody of Clarke, its agents and affiliates.

1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study.

2. The second part of the report is a detailed description of the study area. It includes information about the location of the study area, the population of the study area, and the characteristics of the study area. It also discusses the data sources used in the study.

3. The third part of the report is a description of the methodology used in the study. It includes information about the research design, the data collection methods, and the data analysis methods. It also discusses the limitations of the study.

4. The fourth part of the report is a description of the results of the study. It includes information about the findings of the study, the conclusions drawn from the findings, and the implications of the findings. It also discusses the strengths and weaknesses of the study.

5. The fifth part of the report is a conclusion. It summarizes the findings of the study and provides a final statement about the study. It also discusses the future research that is needed in this area.

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Lot	Package Type	Number	Date	On Hand 10/8/20
2006120002	11605A Anvil 10+10 ULV 55 gallon drum	8	06/15/20	0
2006120002	11604 Anvil 10+10 2x2.5 gallon case	36	06/15/20	25
2008060002	11605A Anvil 10+10 ULV 55 gallon drum	16	08/11/20	0
2004030002	11605 Anvil 10+10 30 gallon drum	5	04/02/20	2
2004030002	11604 Anvil 10+10 2x2.5 gallon case	108	04/02/20	0

There remains in inventory as of this date 3,791 gallons of the petroleum distillate carrier relevant to the production of the identified Product lots. The brand identity of this raw material is maintained as proprietary and confidential business information. The identity and report of inventory of the referenced lots is submitted in the Confidential Appendix. Save for this one component, there is no remaining inventory of any batch or lot of any other component in the formulation, active ingredient or mineral oil carrier.

Clarke, too, is committed to the public health of the communities we serve. No Clarke product intentionally contains a PFAS nor, to Clarke's best knowledge, is any PFAS material an input in the production process of any raw material of any Clarke product. We are surprised and troubled by the alleged detections of PFAS in the Product and will offer cooperation to the State and to the Agency to discover, to the best extent possible, its origins in the referenced samples.

If you have any questions about the information provided herein and in the enclosed Confidential Appendix, please contact me directly at 630-671-3123 or by email at klarson@clarke.com.

Sincerely,



Karen J. Larson, Vice President
Product Innovation and Government Affairs
Clarke Mosquito Control Products, Inc.

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